IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY

TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 24058 of 2001

Between:

Sri.T.Ramakrishna Rao,

Advocate
Hyderabad

..... PETITIONER

AND

1 The Chief Secretary to Govt. of A.P. Secretariat, Hyderabad
2 The Govt. of A.P. rep.by its Secretary
Municipal Admn. & Urban Development Department,

Secretariat, Hyderabad
3 The Govt. of A.P. rep.by its Secretary to Govt.
Forest & Environment Department, Secretariat, Hyderabad
4 The Commissioner, Municipal Corporation of Hyderabad
B.R.K.R.Buildings, Tank bund Road,
Hyderabad
5 The Chairman Hyderabad Urban Development Authority
Hyderabad
6 The Chairman, Hyderabad Metropolitan Water Supply and

Sewerage Board

Hyderabad

7 The Secretary, A.P.Pollution Control Board,
Lakdikapool, Hyderabad

(R-1 is deleted as per Court order in WP No.24058 of 2001 dated 28-11-1001. Cause title of R-2 and R-3 are amended as per Court order in W.P.No.24058 of 2001 dated 28-11-2001)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the petition Dt.08/11/2001 sent by the petitioner herein regarding the item published in English daily "Indian Express" Dt.03/11/2001 this Hon'ble Court may be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of mandamus, calling for the remarks and records from the respondents herein in and connected to:

1. "Inaction of the part of the respondents herein for causing pollution for letting - out drain water into the tanks and also due to dumping of solid waste and garbage in respect of the three lakes, viz., Banjara lake, Masabtank and Antagani lake which face shrinkage and are unfit for using drinking water and
2. "To cause service of notices to the respondents herein and call for status report from the statutory authority and to pass orders directing the respondents herein for preservation of the ecology of the aforesaid three lakes in order to maintain purity of water in the public interest.

For the Petitioner : LETTER

For the Respondents : GP FOR MUNCIPAL ADMN. & URBAN DEV. for R-2

G.P. for Forests for R-3

Mr. Ganta Rama Rao, Advocate for R-4

Mr. B.Viswanatha Reddy, Advocate for R-5

Mr. P.Kishore Rao, Advocate for R-6

Mr. S.V.Bhatt, Advocate for R-7

The Court Made the Following :

ORDER: (Per Hon'ble the Chief Justice)

On the basis of petition received from T.Ramakrishna, Advocate practising in this Court alleging that news-item was published in 'Indian Express' daily in its issue dated 03-11-2001 in respect of conditions of Banjara Lake, Masab Tank, and Antagani Lake because of dumping of certain solid waste and garbage, it was registered as taken up writ petition on which notices were ordered to be issued to Government of Andhra Pradesh; Secretary, Municipal Administration and Urban Development and Secretary, Forest and Environment Department; the Commissioner, Municipal Corporation of Hyderabad; Hyderabad Urban Development Authority (HUDA); Hyderabad Metropolitan Water Supply and Sewerage Board and A.P. Pollution Control Board. A.P. Pollution Control Board had submitted its report dated 26-03-2002 after its Analyst had inspected three tanks. The inspection report of three tanks had furnished the following details:

"**BANJARA TANK:**

It is located at Road No.1 Banjara Hills and it is inside the Banjara Park. The lake is also known as Yenugulakunta. Mr. Sridhar, Horticulturist, informed that the total area of the park is about 10 acres and the water body is 4 acres. MCH has taken up the restoration plan of the Banjara Park and the work is under progress. The catchment areas of the lake were Devarakonda Basti and road Nos.1,2,3,4 and 5 of Banjara Hills. However, the inlet drain connected to the above areas has been diverted and at present no water enters from the above areas into the tank. The sewerage coming from the above areas also flows through the diverted drain. Mr. Sridhar also informed that during rainy season part of storm water of Banjara Hills Road Nos.1 and

2 will be taken into the lake to maintain the hydraulic level.

“MASAB TANK:

It is situated in Chacha Nehru Park adjacent to Masab tank main road. During the inspection Mr. Ramana, Horticulturist was met. He informed that the total area of the park is 11.26 acres and water body area is 1.6 acres. The upstream areas of the tank are Sriramnagar, Ahmednagar, Pochamma basti, Owaispura, and Bada Bazar. Earlier there was possibility of storm water entering into the tank from the above upstream areas. Mr. Ramana informed that after the development of the park, the storm water collected within the park only enter into the tank and no storm water from other areas will enter.

ANTHAGANI TANK:

Anthagani tank is at Banjara Hills next to Taj Banjara Hotel and is surrounded by Hanuman temple, Banjara Hills Road No.1, Residential apartments on North, East and South directions respectively. The catchment areas of the lake are Gowrisankar colony, Sriramnagar colony, Udaynagar colony, Ambedkarnagar colony and residential apartments. The above colonies and apartments letting out their domestic sewage, plastic waste and other forms of garbage into the lake. It was noticed that the physical appearance of the lake was greenish, turbid and giving foul smell due to the biological degradation of organic waste thereby causing unhygienic conditions around the lake. The overflow of the lake that is on south-eastern direction of the tank, flows into the municipal sewer.”

The Analyst obtained two sets of samples from the lakes - one for surface water parameter and the other for heavy metals which were subjected to laboratory tests. Report of the Analyst revealed that in Banjara Tank and Masab Tank, DO and BOD standards were slightly in excess of the standard due to stagnation of water and formation of algae in the lakes and it was pointed out that HUDA had taken up these two lakes under beautification project and there is suggestion that HUDA may be directed to take appropriate measures to bring down the DO and BOD level in these two lakes by providing aeration through fountains, boating or introducing aquatic life into the ponds and the same can be done after removing the bottom sediments.

As regards the third lake - Anthagani, as per Analyst Report, BOD parameter was found to be far exceeding the prescribed standard for surface water and high algae content indicates higher nutrients in the water body. The report further states that the lake has been leased by A.P. State Tourism Promotion Board to Taj GVK Hotels and Resorts for 30 years who had got carried out the feasibility through a private agency and Taj GVK Hotels had proposed to take up the project through funding under National River Conservation Scheme. The Environmental Engineer of the Board had suggested that Taj GVK Hotels be asked to take up the following measures:

"1. Diversion or stopping of the sewage water entering into the lake.

2. Removal of the plastic waster and other garbage from the lake immediately.

3. Allowing of storm water into the lake for self-purification."

We have also gone through the counter-affidavit of HUDA stating that three lakes are not in its purview and are exclusively maintained by the Municipal Corporation of Hyderabad.

There is no response from Hyderabad Metropolitan Water Supply and Sewerage Board which primarily is concerned with domestic sewerage or by the Municipal Corporation of Hyderabad. A.P. Pollution Control Board can definitely issue appropriate directions as regards the industrial pollution caused by the respective industries and ensure due compliance of its directions and as regards domestic sewerage, A.P. Pollution Control Board can definitely issue directions to HMWSSB to take appropriate measure for control of pollution or other remedial measures as may be deemed fit and proper.

We are not aware of the further developments after the report was filed. Since as per the report of the Environmental Engineer of the Board, HUDA had undertaken the beautification programme of three lakes, we dispose of the writ petition with a direction to A.P. Pollution Control Board to have fresh inspection carried out and to

ensure appropriate directions to the industries as may be deemed fit and proper are issued to bring down DO and BOD standards within the prescribed limits and it will be for the authorities concerned to give proper suggestions and directions to the A.P. Pollution Control Board in this behalf. Needful be done by the A.P. Pollution Control Board within a period of three months from the date of receipt of writ order from the court.

The writ petition is thus disposed of. No costs.

DEVINDER GUPTA, C.J.

G.ROHINI, J

07-07-2004

BSC

To

1 The Chief Secretary to Govt. of A.P. Secretariat, Hyderabad
2 The Secretary, Municipal Admn. & Urban Development

Department, Govt. of A.P.,

Secretariat, Hyderabad
3 The Secretary to Govt., Forest & Environment Department,

Govt. of A.P., Secretariat, Hyderabad
4 The Commissioner, Municipal Corporation of Hyderabad
B.R.K.R.Buildings, Tank bund Road,
Hyderabad

5 The Chairman Hyderabad Urban Development Authority
Hyderabad
6 The Chairman, Hyderabad Metropolitan Water Supply and

Sewerage Board
Hyderabad
7 The Secretary, A.P.Pollution Control Board,
Lakdikapool, Hyderabad

8. 2 CCs each to G.P. for Municipal Admn. and G.P. for Forests,

High Court Buildings, Hyderabad.

9. 2CD copies